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INFO RUEHZN/EUROPEAN POLITICAL COLLECTIVE PRIORITY

RUCNDT/USMISSION USUN NEW YORK PRIORITY 1269

RHMFIS/CDR USEUCOM VAIHINGEN GE PRIORITY

RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK PRIORITY

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RHMFIS/CDR TF FALCON PRIORITY

RHEFDIA/DIA WASHDC PRIORITY

RUEKJCS/SECDEF WASHINGTON DC PRIORITY

RUEPGEA/CDR650THMIGP SHAPE BE PRIORITY

RHEHNSC/NSC WASHDC PRIORITY

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SUBJECT: KOSOVO: SPECIAL PROSECUTORS' OFFICE MAKES PROGRESS DESPITE OBSTACLES

REF: PRISTINA 151

Classified By: COM TINA KAITANOW FOR REASONS 1.4 (B) AND (D).

¶1. (C) SUMMARY: The Kosovo Special Prosecutors' Office (KSPO) now has six prosecutors pursuing complex cases and beginning to file indictments in serious cases; however, it is facing significant obstacles that threaten its future viability. Among these are a lack of resources and unhelpful attitudes within UNMIK's Criminal Division, which oversees the KSPO, that do not foster an environment of trust and partnership. USOP will look for ways to help with the KSPO's material needs and will encourage UNMIK to approach its mentoring role in a manner that builds both morale and capacity. END SUMMARY.

¶2. (SBU) The KSPO now has six Kosovar Special Prosecutors, including one Bosniak; it has the authority to hire ten. These six Special Prosecutors were hired between January and June 2007. There are 23 support staff for the KSPO, all funded from the Kosovo Consolidated Budget (KCB). A USOP legal adviser embedded in the KSPO has introduced new practices, including the specialization of prosecutors into practice areas, which has increased the ability of each special prosecutor to understand the practice area substantively and to work more closely with police who specialize in those areas. As a result, one of the special prosecutors is specialized in ethnic violence and counter-terrorism, another in human trafficking cases, and the remainder focus on corruption, financial crime, and other organized crimes.

KSPO Special Prosecutors are tackling several serious cases

¶3. (C) The KSPO special prosecutors have filed or are about to file indictments in several serious cases. On July 23, 2007, the KSPO filed an indictment against Agron Haradinaj and four others for two attempts to assassinate the director of the Kosovo Telecommunications Authority (KTA) in the wake of a major mobile phone tender, despite threats to witnesses and veiled threats to the Special Prosecutor. In the near future, the KSPO will also file several large tax evasion

cases, one against a money launderer and one against casino operators. Finally, post's legal advisor is mentoring an investigation into human trafficking in western Kosovo that is using more sophisticated investigative techniques and has uncovered numerous trafficking networks. As a sign of the growing respect for the KSPO's work and as a result of the close working relationship with the Kosovo Police Service (KPS), police investigators are beginning to ask KSPO special prosecutors to undertake new investigations.

UNMIK DOJ oversight brings benefits, but also creates obstacles

¶4. (SBU) The Kosovo Consolidated Budget and the European Agency for Reconstruction (EAR) provide funding for the KSPO, and the UNMIK DOJ Criminal Division oversees the office. The Criminal Division and the KSPO are housed in the same building. USOP's legal advisor and UNMIK International Prosecutors serve as mentors to the KSPO Special Prosecutors.

UNMIK's Criminal Division's oversight of the KSPO has brought some benefits -- especially during the initial effort to create the office -- but has also presented some obstacles. The Criminal Division uses KSPO resources while denying the KSPO the use of UNMIK resources. Four of the KSPO administrative staff, who are paid from the KCB and should focus exclusively on KSPO matters, are assigned permanently to Criminal Division staff. The KSPO has limited use of the Criminal Division copier and fax machine, has only a few printers of its own, and must share files using USB memory sticks. Until USOP's legal adviser provided additional USB memory sticks, the KSPO only had one among 10 legal officers and six special prosecutors. The EAR-funded project manager, who recently resigned, was tasked with using

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EAR funds to purchase office and computer equipment, but has failed to procure any equipment. The KSPO has two surplus UNMIK 1999 Toyota 4-Runners, both in poor condition.

¶5. (C) Other resource and hierarchy issues plague the KSPO, as well. The international prosecutors acting as mentors and the chief international prosecutor must review and approve all filings, which requires translation of the documents before these two layers of review. However, the KSPO translator is being used as a computer technician at the direction of the UNMIK Liaison Officer, and the Criminal Division translation pool is often overwhelmed. More troubling, Deputy Chief International Prosecutor Deborah Wilkerson has opposed using UNMIK resources to assist the KSPO and often assigns old, unviable cases to the KSPO. While the chief international prosecutor has agreed to the special prosecutors' specialization, Wilkerson often assigns cases randomly and without regard to the prosecutor's specific portfolio. These frustrations and obstacles are hurting recruitment and prompting some existing KSPO members to explore other opportunities. Two candidates withdrew their applications after discussions with special prosecutors, and one special prosecutor has made several requests to return to his former District Prosecutor's Office. At least two legal officers have applied for better-paying and more stable positions elsewhere.

¶6. (C) COMMENT: Despite the problems outlined above, the KSPO has begun to make significant progress in serious crime investigations. USOP has assisted this process in earnest with financial resources and hands-on support in training prosecutors to take on complex cases. Next steps will involve the formation of police-prosecutorial special task forces aimed at trafficking and organized crime, with further direct input and training from DOJ/OPDAT and DOJ/ICITAP. We will also urge UNMIK to improve morale in the KSPO by providing access to resources and forging a real partnership that can truly prepare the special prosecutors' office to take on these important investigations on its own.

KAIDANOW